

ADDRESSING PROBLEM PROPERTIES:

Legal and Policy Tools for a Safer Rundberg

*The Entrepreneurship and Community Development Clinic
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Agenda

- 1. Background: Rundberg**
- 2. Case Studies: Ms. Leal, Wood Ridge, Budget Lodge**
- 3. Tools**
 - **Proactive Tools**
 - **Community Policing**
 - **Community Prosecutors**
 - **Rental Registration**
 - **Enforcement Tools**
 - **Code Enforcement**
 - **Nuisance Abatement**
- 4. Conclusion**
- 5. Questions and Feedback**

Problem Properties

Research

- Interviews with: Austin Code Compliance, Rundberg community members and volunteers, Austin Police Department, Dallas Community Prosecutors, Dallas City Attorneys, Irving and Waco City Attorneys, Habitat for Humanity, ACT, Houston Multi-Family Inspection Program, Austin Apartment Association, Austin City Council, Austin City Attorney's Office
- Dallas, Houston, San Antonio, Waco, Irving
- Internet and Publications
- Center for Community Progress

Problem Properties

What we found

- **The City of Austin does not prioritize addressing problem properties compared to several other major Texas cities**
- **Lack of adequate resources dedicated to addressing problem properties**
- **Lack of enforcement infrastructure**

The Rundberg Community

CHALLENGES

- **High Crime Rates**
 - Hotel and Motel Problems
 - Drugs, Gangs, Prostitution
- **Disempowered tenants who feel unable to effect change**
- **Dangerous Properties**
 - Absentee landlords who ignore code violations and crime on the property
- **Threatened loss of affordable housing stock**

The Rundberg Community

STRENGTHS

- **Affordable Housing**
- **Active and Organized Neighborhood Associations**
- **Long-term, Dedicated Residents**
- **Schools**
- **Diverse Community**

Sam Rayburn

- Mrs. Maria Leal, 63-year-old disabled resident, lived with her daughter-in-law and grandson on Sam Rayburn
- Complained to property manager repeatedly about leaky roof, roaches, etc. Manager told her it would be taken care of.
- Around March 7, 2013 – Her roof caved in; ruining her possessions
 - Fire Department was notified and shut off electricity because of exposed electric cables
- March 14, 2013 – Code Compliance was notified, but could not enter premises
- March 18, 2013 – Code Compliance met with property manager and issued property owner a “Warning for Substandard Conditions.”
- With the help of nonprofit organizations, Mrs. Leal moved next door.

Wood Ridge Apartments



Wood Ridge Apartments

- **May 17, 2012 - Balcony collapsed**
 - **June 4, 2012 - Building and Standards Commission ordered repairs to be made within 75 days**
 - **August 17, 2012 - Civil penalties began to accrue at \$15,000 a week**
 - **March 27, 2013 - Repairs finally began. Civil Penalties at \$465,000**
 - **Owner refuses to pay civil penalties**
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Budget Lodge

- Located on I-35 and Rundberg
- Habitual criminal activity
 - In a ten-month period:
 - 463 incidents necessitating City of Austin emergency services
 - 103 police reports
- 2007: Community organizing, protests, media, public shaming
- 2008: City Attorney's office filed suit
- 2009: Case settled with a list of 20 action items to prevent crime



How Can We Prevent These Issues?

- **Education of tenants' rights and landlords' duties**
 - **Better city support for community concerns**
 - **Proactive property inspections to ensure proper maintenance**
 - **Willingness and capacity to strongly enforce the law against delinquent property owners with egregious violations**
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Policy Recommendations

Collaboration

- **Residents, code, police, city attorney, business owners, community organizations**

Comprehensive Enforcement

- **Enforcement and compliance at every step, not just when it's too late**

Tools

We recommend the following tools to improve conditions in the Rundberg Area

Community Policing

Community Prosecutors

Rental Registration

Code Enforcement

Nuisance Abatement

Proactive Tools

Enforcement Tools




Tools

Community Policing



Community Policing

Community Policing

- **Collaborative**
 - **Proactive**
 - **Problem-Solving**
 - **Community-Specific**
 - **Multidisciplinary**
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Community Policing

1. Neighborhood Engagement Meetings

- **Neighborhood Watch Program & Neighborhood Watch Liaison Officer and Dallas Volunteer Patrol Plan**
- **Citizen's Advisory Board (CAB)**
- **Neighborhood Strategic Plan**

Community Policing

2. Community Education in Crime Reduction

- **Citizen's Police Academy**
- **City Resource Educational Events**
- **Education for Business Owners, including**
 - **Rental Property Landlords**
 - **Hotel and Motel Owners**

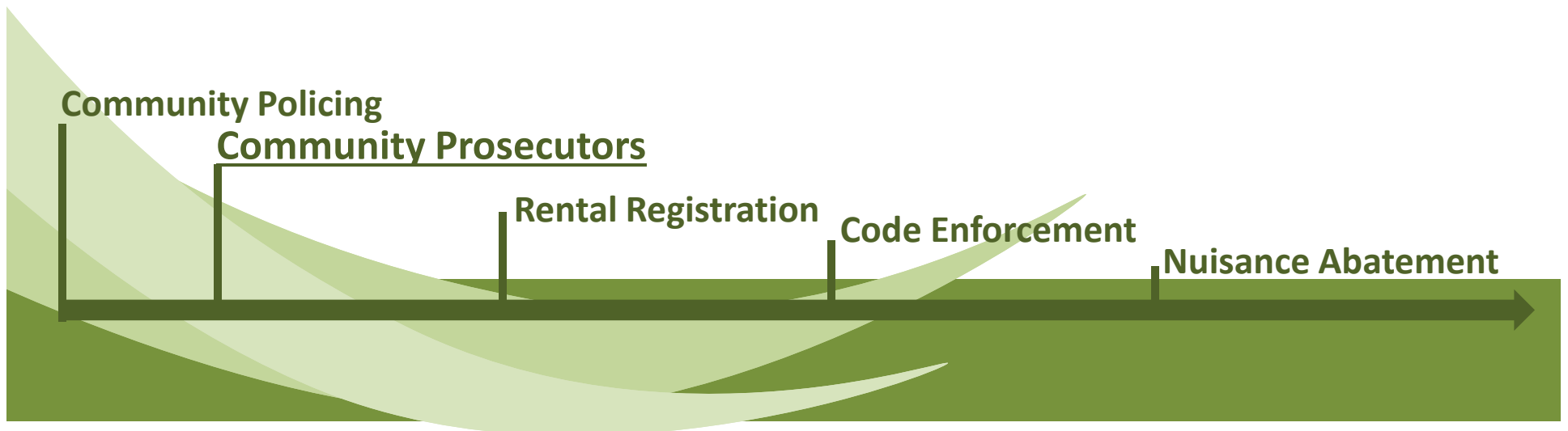
Community Policing

3. Coordinate Crime Reduction Efforts

- **Partner with a Variety of City Departments, Neighborhood Organizations, Businesses and Area Landlords, Motel Owners and Individual Residents.**
- **Best Practices:**
 - **Business Watch Program**
 - **Community Prosecutor Program**

Tools

Community Prosecutors



Community Prosecutors

Defined: Community "Problem Solvers"

Roles:

- **Know the Neighborhood – culture, problems, key players**
- **Work with police, code, community members and business owners to solve crime and code problems**
- **Able to utilize proactive tools and enforcement tools**

Assigned a team of code inspectors

Best Practices: Dallas

Tools

Rental Property Registration

Community Policing

Community Prosecutors

Rental Registration

Code Enforcement

Nuisance Abatement



Rental Property Registration

Defined

Advantages

- Easier to identify and target dangerous and substandard properties
- Gives inspectors the authority to enter properties
- Easier to identify problem property owners

Rental Property Registration

Currently in Austin

- Short-term rental registration ordinance
- NO long-term rental registration
- Complaint-based system for inspections

Other Texas cities with Rental Registration include:

- Dallas
- Houston
- Fort Worth

Rental Property Registration

Best Practices and Ideal Features

- **Good Landlord Incentives**
 - **Inspector Qualifications**
 - **Triggers for Inspections**
 - **Crime Element**
 - **Educational Element**
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Rental Property Registration

Recommended

- Self-funding ordinance
- Required registration and education (landlords/tenants) for all rental properties
- Embedded incentives for good landlords
- Crime rating attached to rental properties
- Rotational inspections every 3 years for all rental properties

Tools

Code Enforcement



Code Enforcement

Currently

- **Voluntary compliance policy**
- **Notify property owners**
- **Class C misdemeanor citation**
- **Building and Standards Commission**

Code Enforcement

Problems

- Citations can be paid without compliance
- Some landlords are not deterred by tickets or the Building and Standards Commission
- Inadequate infrastructure for enforcement

Code Enforcement

Recommended

- **Dedicated City Attorney team to address problem properties**
- **Chapter 54 lawsuits**
- **Administrative hearings**
- **Use in conjunction with Community Prosecutors & Rental Registration**

Best Practices: Dallas

- **Dedicated problem property team in City Attorney's Office**
- **3-5 Chapter 54 lawsuits a year**
- **Deterrent effect**

Code Enforcement

Case Study: Wood Ridge Apartments

- Property owner would be aware of duties
- Tenants would be aware of rights
- Proactive inspections
- Less likely to have deferred maintenance
- Court order from a judge to make repairs
- Noncompliance = court-ordered fines or imprisonment

Tools

Nuisance Abatement



Nuisance Abatement

Chapter 125, Texas Civil Remedy and Practices Code

- **Abate properties of habitual criminal activity**
- **Can be brought by the City or individuals**

Austin Police Department

- **At least 3 abatable offenses in a 12-month period**
- **Voluntary compliance policy**
- **Meeting with property owner**
- **Noncompliant cases sent to City Attorney's Office**

Nuisance Abatement

Currently

- One detective
- About 60 cases
- 3 cases sent to City Attorney's Office—no lawsuits filed

Nuisance Abatement

Budget Lodge

- It got *better*, but...
- It should not take 463 public safety incidents and so much community effort
- Other hotels/motels remain a problem

Nuisance Abatement

Recommended

- Collaborative effort between APD, Code, and City Attorney's Office
- More resources and personnel allocated to Nuisance Abatement Unit
- Community Prosecutors: write letters, meet with property owners
- City Attorney enforcement: Chapter 125 lawsuits

Nuisance Abatement

Hotel/Motel Recommendations

- **Ordinance:** require IDs, remove pay phones, sufficient lighting, guest logs, “No Loitering” signs, prohibit renting rooms by the hour
- **Enforcement of Hotel Occupancy Tax;** use tax revenue to fund public safety improvements in area
- **Community Prosecutors**

Conclusion

Policy Recommendations

- **Collaboration**
- **Comprehensive Enforcement**

Recommended Tools

- **Community Policing**
- **Community Prosecutors**
- **Rental Registration**
- **Code Enforcement**
- **Nuisance Abatement**

Conclusion

Questions, Comments, Suggestions?

Report scheduled to be released by Summer 2013